

**MINUTES OF THE
SENATE JUDICIAL CONFIRMATION COMMITTEE**
Monday, November 18, 2013 – 9:00 a.m. – Room 450 State Capitol

Members Present:

Sen. Scott K. Jenkins, Senate Chair
Sen. Lyle W. Hillyard
Sen. Patricia W. Jones
Sen. Karen Mayne
Sen. Stuart C. Reid
Sen. Stephen H. Urquhart

Members Absent:

Sen. Peter C. Knudson

Staff Present:

Mr. Michael E. Christensen, Director
Ms. Susan C. Allred, Associate General Counsel
Ms. Kristen Ricks, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Jenkins called the meeting to order at 9:17 a.m.

MOTION: Sen. Mayne moved to close the meeting for the purpose of discussing the character, professional competence, mental and physical health, of Ms. Sharon S. Sipes. The motion passed unanimously with Sen. Hillyard absent for the vote.

MOTION: Sen. Jones moved to open the meeting. The motion passed unanimously.

2. Interview of Ms. Sharon S. Sipes

Ms. Sharon S. Sipes was placed under oath by Mr. Christensen. She introduced her family and friends in attendance. Ms. Sipes thanked the committee for the opportunity to appear before them and provided a personal and professional background statement to the committee. She spoke about her upbringing in Davis County, and her professional experience attained there. She spoke about the lessons of hard work, courage, and integrity she has learned throughout her career. She explained how her experience has given her the ability to make difficult decisions. She talked about her community service with the Parental Defense Alliance. She responded to questions from the committee and stated that she tries to listen, be fair, and generate family participation and support. She also talked about the importance of addressing mental health issues with parents inside the home. Ms. Sipes discussed her views regarding grandparent's rights, parental involvement in juvenile delinquency cases, courtroom behavior for a judge, gang involvement in Weber County, and the duty to serve justice. She stated the importance of not allowing her emotions to get in the way of hearing and listening to the youth who come before her. She impressed upon the committee her dedication to work with the legislature to improve the juvenile court system.

MOTION: Sen. Reid moved to favorably recommend to the full Senate, Ms. Sharon S. Sipes as a judge for the Second District Juvenile Court. The motion passed unanimously.

3. Interview of Mr. Brent Bartholomew

MOTION: Sen. Hillyard moved to close the meeting for the purpose of discussing the character, professional competence, mental and physical health, of Mr. Brent H. Bartholomew. The motion passed unanimously.

Mr. Bartholomew was placed under oath by Mr. Christensen. He introduced his family in attendance. Mr. Bartholomew thanked the committee for the opportunity to appear before them and provided a personal and professional background statement to the committee. He spoke about his family and professional experience. He spoke of his dedication to strengthen today's youth and their families. He said his 16 years' experience working with the juvenile court, as a guardian ad litem, and with Utah Legal Services, has helped him gain a well-rounded perspective. He also discussed his long-time involvement with the Boy Scouts of America and the positive influence it has made on his career. He responded to questions from the committee by saying he tries to listen, be unbiased regardless of background or lifestyle choices, and not impose his beliefs on others. He assured the committee he has what it takes to control a courtroom and make tough decisions. Mr. Bartholomew discussed his opinions regarding custody, court reviews of children with mental health issues, and the duty to serve justice with the involvement of parents. He said his credentials as a certified child law specialist, combined with his common sense, would enable him to be a successful and understanding judge.

MOTION: Sen. Reid moved to favorably recommend to the full Senate that Mr. Brent Bartholomew be confirmed as a judge for the Fourth District Juvenile Court. The motion passed unanimously.

MOTION: Sen. Jones moved to saunter. The motion passed unanimously.

4. Appellate Court Duties and Processes

Mr. Rick Schwermer, Administrative Office of the Courts distributed and discussed, Utah Court of Appeals Filings by Case Type. He gave a brief history of the Court Appeals since its creation in 1987. He said it was created to alleviate the Supreme Court from its responsibility of hearing all appeals cases.

The Honorable Pamela Greenwood, Senior Appellate Court Judge, discussed the jurisdictional differences of the Supreme Court and the Court of Appeals. She explained that each court has original jurisdiction of different types of matters. She answered questions from the committee.

5. Interview of Mr. John A. Pearce

MOTION: Sen. Hillyard moved to close the meeting for the purpose of discussing the character, professional competence, and physical or mental health, of Mr. John A. Pearce. The motion passed unanimously.

MOTION: Sen. Hillyard moved to open the meeting. The motion passed unanimously.

Mr. Pearce introduced his family and friends in attendance. He was placed under oath by Mr. Christensen. Mr. Pearce thanked the committee for the opportunity to appear before them and provided personal stories to illustrate characteristics he has developed, which will help him be a fair judge. He recapped lessons learned from his service at the Governor's office and how they would help him as a judge. He responded to questions from the committee and said he tries to be insightful and fair in his application of the law. Mr. Pearce discussed his views regarding judicial predictability and due process.

Members of the committee placed emphasis on his ability to accomplish a lot, due to his strong political and legal background, and strong family support. He said there is nothing in his past that would embarrass the court if it were to come forward in the future. He assured the committee he currently has no biases that would interfere with his decisions, but would be vigilant to make sure any future biases don't influence his decision making.

Ms. Pamela Atkinson, Utah Governor's Office, Community Advocate Advisor, spoke to the positive character of Mr. Pearce. She vouched for his fairness and urged his appointment. She said he does not let issues interfere with his relationships, even when there are diverse opinions.

Mr. Derek Miller, Utah Governor's Office, Chief of Staff, gave the unanimous acclamation of his office to Mr. Pearce's nomination. He said he has never met anyone with such a great knowledge of the law or stronger sense of justice.

MOTION: Sen. Hillyard moved to favorably recommend to the full Senate that Mr. John A. Pearce be confirmed as a judge for the Utah Court of Appeals. The motion passed unanimously.

6. Other Items / Adjourn

MOTION: Sen. Hillyard moved to adjourn the meeting. The motion passed unanimously.

Chair Jenkins adjourned the meeting at 1:56 p.m.